

**Amendments to the Drawings:**

The attached sheets of drawings includes changes to Figures 1 and 5 to 7. These sheets replace the original sheets including Figures 1 and 5 to 7.

Attachment: Replacement Sheets

## REMARKS

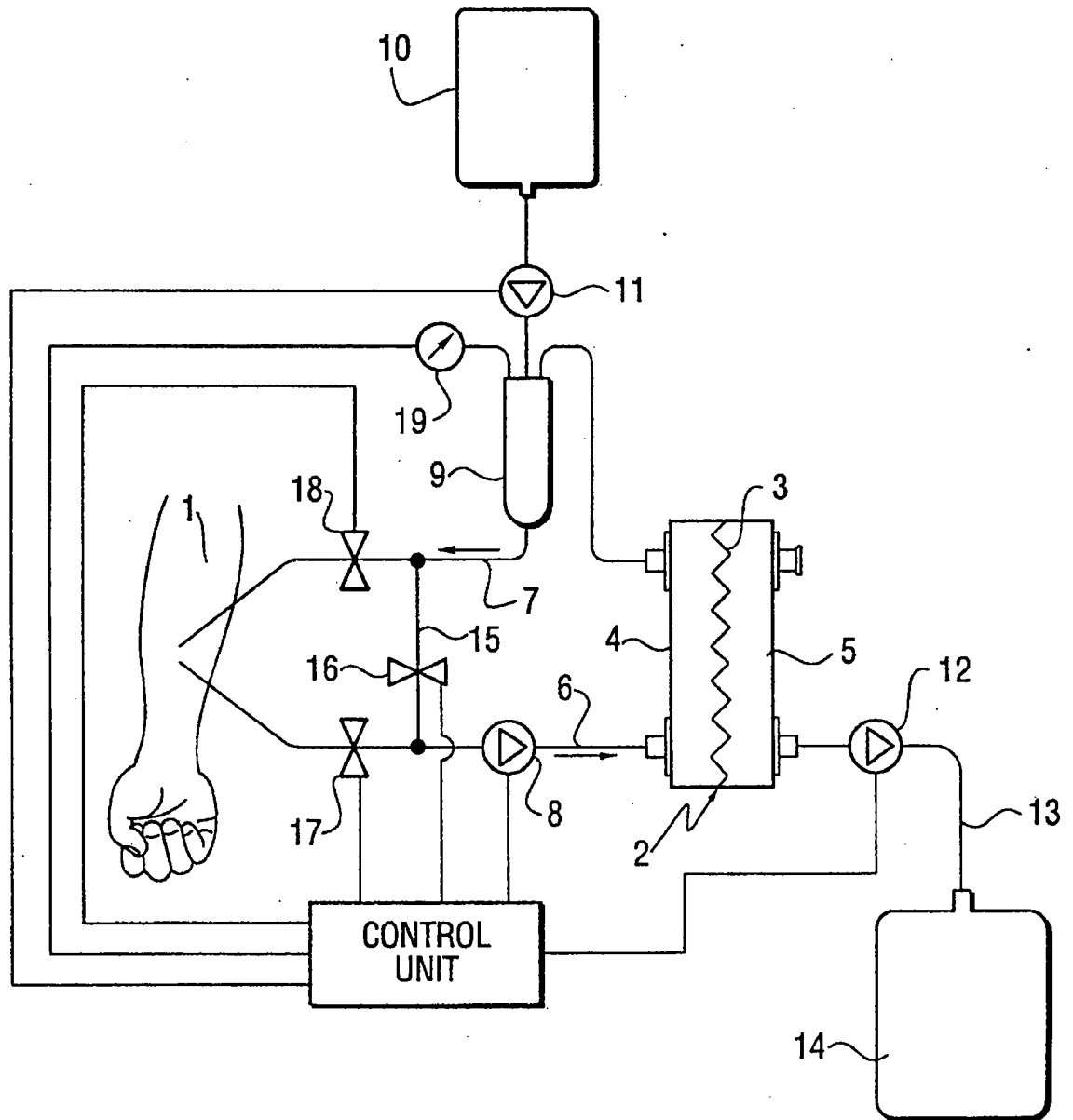
This Response is to the non-final Office Action dated March 6, 2006. Claims 1 to 98 were pending previously in this application. Claims 1 to 13 and 39 to 09 have been withdrawn due to a restriction/election requirement. Claims 14 to 38 stand rejected. Claims 15, 21, 26, 27 and 38 have been amended herein. Claims 99 to 107 have been added. The Specification has been amended in certain places to correct minor errors. Figs. 1 and 5 to 7 have also been amended to correct minor errors. No new matter has be introduced by way of any of the amendments or added claims. Please charge Deposit Account No. 02-1818 for the cost of the newly submitted claims.

In the Office Action, Claims 14 to 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,470,483 to Bene et al. ("*Bene*"). Claims 15 to 19, 21 to 32 and 38 were rejected under 35 U.S.C. § 103(a) as being obvious in view of *Bene* and U.S. Patent No. 6,830,553 to Burbank et al. ("*Burbank*").

Regarding Claim 14, it is clear that *Bene* does not teach or suggest this claim. Claim 14 is directed generally to a medical fluid system having bolus, rinseback and priming capabilities. Support for the claim is found at least at pages 16 to 22 of the specification. Claim 14 first off requires a "medical fluid flow path having a medical fluid supply" *and* an "extracorporeal circuit". Next, the claim requires "an apparatus operable to isolate the blood filtering device from the rest of the *medical fluid flow path*" (emphasis added). The Office Action at Page 3 on the other hand states that *Bene* teaches that its device may isolate the circulating blood *from the patient* (emphasis added).

Fig. 1 of *Bene* is shown next for convenience.

**FIG. 1**



At column 3, line 28, *Bene* describes that it performs a “check” that ensures that substitution liquid is properly compensating for ultrafiltration (removal of blood liquid through exchanger 2). This is NOT a bolus, rinseback and priming feature of the claim, each of which requires the patient as part of the circuit. As seen clearly from Fig. 1, valves 17 and 18 isolate *the patient* from the rest of the arterial line 6 and venous line 7. They do NOT isolate the

exchanger 2 from circulation. Moreover, valves 17 and 18 do not isolate a medical fluid flow path, which as claimed is different than the extracorporeal circuit. Neither element of the claim is met therefore.

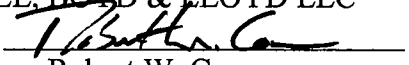
Claim 14 also calls for "a control scheme operable to selectively and concurrently command: (i) the isolating apparatus to isolate the blood filtering device and (ii) the first pump to deliver a volume of fluid to the extracorporeal circuit." Again nothing in *Bene* teaches a control scheme operable to isolate the blood filtering device. Accordingly, *Bene* cannot teach concurrently delivering a volume of fluid to the extracorporeal circuit. For these additional reasons, Applicants respectfully submit that *Bene* does not teach Claim 14.

Modifying *Bene* to isolate its exchanger 2 would destroy its purpose, which is to evaluate the compensation of ultrafiltration, which requires the exchanger 2. Accordingly, *Bene* would not be a proper reference for an obviousness rejection (MPEP 2143.01V).

Applicants accordingly respectfully submit that Claim 14 and Claims 15 to 38 depending from Claim 14 are now in condition for allowance. The amendments to Claims 15, 21, 27 and 38 have been made to positively recite the elements contained in those claims. The amendment to Claim 26 has been made merely for grammatical purposes. None of these amendments has been made for any reason related to patentability or to disclaim any subject matter over the art of record.

It should be appreciated from the foregoing that *Bene* and the other art of record does not teach or suggest new Claims 99 to 107.

For the foregoing reasons, Applicants respectfully submit that the above-identified patent application is now in condition for allowance and earnestly solicit reconsideration of same. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,  
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